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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian ad litem, on behalf of S.M., a minor,) Civil No.
Plaintiffs,) 6:20-cv-01163-
vs.) MK
MARK DANNELS, PAT DOWNING, SUSAN HORMANN, MARY KRINGS, KRIS KARCHER, SHELLY MCINNES, RAYMOND MCNEELY, KIP OSWALD, MICHAEL REAVES, JOHN RIDDLE, SEAN SANBORN, ERIC SCHWENNINGER, RICHARD WALTER, CHRIS WEBLEY, ANTHONY WETMORE, KATHY WILCOX, CRAIG ZANNI, DAVID ZAVALA, JOEL D. SHAPIRO AS ADMINISTRATOR OF THE ESTATE OF DAVID E. HALL, VIDOCQ SOCIETY, CITY OF COQUILLE, CITY OF COOS BAY, and COOS COUNTY, Defendants.)

)

DEPOSITION OF KATHY WILCOX
Taken in behalf of Plaintiffs

May 03, 2022

* * *

Stumptown Steno
503.888.1416

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1 BE IT REMEMBERED THAT, pursuant to the Oregon
2 Rules of Civil Procedure, the remote deposition of
3 KATHY WILCOX was taken by Amanda K. Fisher, Certified
4 Shorthand Reporter, on May 03, 2022, in the City of
5 Portland, County of Multnomah, State of Oregon.

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Also present: Nicholas McGuffin

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1 PORTLAND, OREGON; TUESDAY, MAY 03, 2022

2 9:00 A.M.

3 * * *

4 KATHY WILCOX

5 called as a witness in behalf of Plaintiffs,

6 having first been sworn by the Reporter,

7 testifies as follows:

8

9 EXAMINATION

10 BY MS. PURACAL:

11 Q. Good morning, Ms. Wilcox. My name is Janis
12 Puracal. I'm an attorney representing the Plaintiffs
13 in this matter, which is a lawsuit filed by Mr.
14 McGuffin and his daughter against a number of
15 defendants, including yourself.

16 Do you understand that?

17 A. Yes.

18 Q. And you and I have never met, is that correct?

19 A. Yes.

20 Q. Can you introduce yourself for the record by
21 saying and spelling your first and last name.

22 A. It's Katherine Wilcox. Katherine is
23 K-A-T-H-E-R-I-N-E. Wilcox is W-I-L-C-O-X.

24 Q. Ms. Wilcox, do you have a middle name?

25 A. Shaw.

1 A. I only go by what I wrote in the report. I
2 don't remember specifically about that.

3 Q. On page 7 here you say, "I photographed the
4 exterior," and then below that you say you photographed
5 the interior.

6 I'll show you now what I have marked as
7 Exhibit 8.

8 (Exhibit No. 8 marked for identification.)

9 Q. This is a series of 22 photographs, and I can
10 scroll through it for you.

11 Do you recognize these as the photographs that
12 you took of the Mustang on July 6th, 2000?

13 A. I don't think I've seen those photographs since
14 I took them, but I would say those would be the
15 photographs.

16 Q. Does that look like the Coos Bay lab garage in
17 the background there?

18 A. Yes.

19 Q. Were you following a particular methodology when
20 you took these photographs?

21 A. Yes.

22 Q. What's the methodology to take these
23 photographs?

24 A. Kind of section it off and try to cover each
25 area

1 Q. Section the vehicle off and try to cover each
2 area?

3 A. Yes. Yes. Sorry.

4 Q. Do you go in any particular order?

5 A. I don't recall. You want to be thorough, but I
6 don't know if I always started at the front or anything
7 like that.

8 Q. Does your methodology start on the exterior
9 before, and then move to the interior?

10 A. Yes.

11 Q. Do you photograph everything before you enter
12 the vehicle?

13 A. I don't recall.

14 Q. Did you move anything around in the vehicle
15 before you started your photographs?

16 A. I don't recall.

17 Q. The reason that I'm asking, if we look at, for
18 example, page 7 here, I see this photograph of the back
19 seat of the Mustang, and it looks like this large
20 speaker has a seatbelt around it with nothing in front
21 of it.

22 Then, if I go down to page 19 here, I see the
23 same speaker, but now the seatbelt is unbelted and it's
24 got duct tape and a couple of packs of cigarettes in
25 front of it.

1 Do you know who moved those things around?

2 A. No.

3 Q. Did you move those things around?

4 A. I cannot recall.

5 Q. And then same thing, if I look at, for example,
6 page 13, I see this photograph of the back seat of the
7 Mustang. I see these tools there that are sort of
8 lying around sort of haphazardly. But then if I look
9 at page 20, the tools are lined up.

10 Who lined up the tools?

11 A. I have no recollection of that.

12 Q. Did you line up the tools?

13 A. I don't recall.

14 Q. Would there be a reason to move things around
15 while you're taking photographs?

16 A. I must've put the seats up so you could see the
17 back seat. I don't remember the speaker. I didn't
18 remember the color of the car.

19 Q. Did you remove anything from the vehicle while
20 you were taking photographs?

21 A. I don't recall.

22 Q. Who else was present with you while you were
23 processing the Mustang?

24 A. I don't remember.

25 Q. Was there anyone else present?

1 A. I think people came and went.

2 Q. What people?

3 A. Other officers.

4 Q. Was there a protocol to prevent others from
5 moving things around in the vehicle while you were
6 processing the vehicle?

7 A. Yes.

8 Q. What was that protocol?

9 A. They stay outside of the crime scene. In this
10 case, the car would be considered the crime scene.

11 Q. And what do you do to ensure that other officers
12 are staying outside of the vehicle while you are
13 processing it?

14 A. I'm there. I would not have left it unattended.

15 Q. Okay. Let me go back to what we had marked as
16 Exhibit 7. On page 8 of that document, under the
17 second paragraph there it says, "Examination does not
18 reveal any signs of cleaning or of spatter on the seats
19 or ceiling or any other area of the car. The seats are
20 a hard blue vinyl, and I don't think I will take any
21 tape lifts from these, since they appear fairly clean."

22 What areas of the car did you exam for signs of
23 cleaning?

24 A. First, you keep saying page, but I think you
25 mean paragraph. This is only a two-page report.

1 Q. So I'll clarify that. I was talking about the
2 page number of the PDF. This is an eight-page PDF --

3 A. Oh, I'm sorry. I can't see that. I'm sorry.

4 Q. That's okay. Exhibit 7 is an eight-page PDF, so
5 I had scrolled down to the last page, page 8 of that
6 PDF. If you remember, it started with your --

7 A. Yes. Okay. Thank you.

8 Q. Then it was going through the six pages of case
9 notes that you had numbered in the upper right-hand
10 corner, right? So now we're on this last page of the
11 PDF here. I can blow it up for you a little bit.

12 So does that clarify where we're looking at in
13 the document?

14 A. Yes. Thank you.

15 Q. That portion that I read there about, "The
16 examination does not reveal any signs of cleaning,"
17 what areas of the car did you examine for signs of
18 cleaning?

19 A. The car. The whole car.

20 Q. What signs of cleaning do you look for when your
21 processing a vehicle?

22 A. Most cars have a little dust, or I call it the
23 flotsam of living, and it did not appear to have been
24 recently washed or cleaned in the sense that, you
25 know, somebody had come in and detailed the car.

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1 Q. So you mentioned that most cars have a little
2 dust. What are things that might indicate that a car
3 had been cleaned?

4 A. Swipe marks and sparkling clean without any
5 dust. And, you know, signs of vacuuming, vacuum marks,
6 those kinds of things.

7 Q. So those are visual indications that you're
8 looking for?

9 A. Yes.

10 Q. In your report from July 6th, 2000, if you look
11 at the report about four paragraphs down, you say, "The
12 interior surfaces did not appear to have been recently
13 wiped clean."

14 So that's one of those visual indications that
15 you're looking for, if something has been wiped clean?

16 MR. DAVIS: Objection; vague.

17 A. Can you -- can you restate the question?

18 Q. Sure. We were just talking about visual
19 indications that a car might've been cleaned, and here
20 in your report you say that the interior surfaces did
21 not appear to have been recently wiped clean. Is that
22 one of those visual indications that you're looking
23 for?

24 A. Yes.

25 Q. Are there other ways to determine whether a

1 vehicle has been wiped clean, for example, alternative
2 light source or chemical tests that you use?

3 A. That's not what we used those tests for. Maybe,
4 I don't know. I've never used a chemical test to say
5 whether something was cleaned or not.

6 Q. Have you ever used alternative light sources to
7 say whether something was cleaned?

8 A. That's not what I usually used that for.

9 Q. Would an alternative light source help you to
10 determine if something had been cleaned?

11 A. It might.

12 Q. It sounds like you're hesitating a little bit.
13 Is there a qualification to that?

14 A. Your question is ambiguous.

15 Q. When I say alternative light source, do you know
16 what I mean by that?

17 A. Yes.

18 Q. Is there something about using an alternative
19 light source that could help you determine whether a
20 vehicle had been wiped clean?

21 A. Yes.

22 Q. What is it about the alternative light source
23 that could help you to determine that?

24 A. The alternative light source makes different
25 substances appear in different colors, so it can

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1 improve contrast. I wouldn't usually have used it to
2 see if something had been cleaned. I would use it to
3 see if something would show up more clearly on a
4 surface.

5 Like, if you had a tiny speck of blood on a
6 black sweatshirt, or even a red sweatshirt -- let's say
7 a tiny speck of blood on a red sweatshirt. That would
8 be really hard to see. But an alternative lighting
9 source, since the blood and red sweatshirt are
10 different things, could make the blood appear black and
11 the sweatshirt gray.

12 But I wouldn't usually have used it to say this
13 has been cleaned or not. I would use it more to say,
14 you know, is there something there that I can't see.

15 Q. And the reason that I'm asking is, if we look at
16 the last paragraph on the first page of your report
17 here it says, "The exterior, interior, and trunk area
18 of the car were further examined using special
19 alternative lighting techniques. These areas were also
20 chemical tested for blood. No blood was found."

21 So I understand you to be saying that you use
22 these other examination techniques like alternative
23 lighting or chemical tests to look for blood. My
24 question is whether it could also indicate that
25 something had been wiped clean or not wiped clean?

1 A. Not -- not necessarily.

2 Q. Why is that?

3 A. I don't think that's how we used it. Maybe if a
4 chemical residue had been left there, it might show up
5 with the alternative lighting source. I never -- I
6 cannot remember ever experiencing that, and that is not
7 how I used the alternative lighting technique.

8 Q. It looks like from your report that you didn't
9 see any indications that the Mustang been wiped clean,
10 is that right?

11 A. Yes.

12 Q. I'll show you again what we have marked as
13 Exhibit 3, which were those meeting notes from the HIT
14 team meeting. And it looks like there's another set of
15 notes at the bottom of the page from the next day, July
16 7th, 2000, another HIT team meeting. It looks like
17 this one says "full meeting."

18 What does that mean, "full meeting"?

19 A. I think that means a lot of the other agencies
20 were there.

21 Q. And it goes on to say, case history,
22 investigator's reports, timeline of Leah. I understand
23 that you're taking these notes. Who is giving the case
24 history, the investigator's reports, the timeline of
25 Leah?

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1 A. I don't recall.

2 Q. Down here, a little bit further, there's an
3 arrow and it says "clean" car, not wiped. Is that what
4 you reported to the others?

5 A. I don't remember.

6 Q. Was there anyone else involved in the
7 examination of the Mustang?

8 A. I think other officers came and went. I don't
9 recall anyone specifically.

10 Q. What I'm trying to understand is whether anyone
11 else would have processed the Mustang and then reported
12 on the results, or whether you would've reported on
13 your own results?

14 A. No, I should've reported the results of my
15 processing.

16 Q. Why was "clean" car in quotes?

17 A. I don't remember.

18 Q. And you reported that the car was not wiped?

19 A. Yes.

20 Q. Below that it says, "Mentioned on TV." What was
21 mentioned on TV?

22 A. I don't remember.

23 Q. And then below that it says, "Would Leah accept
24 ride with stranger." Who brought up whether Leah would
25 accept a ride with a stranger?

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1 Q. I'm going to show you what we have marked as
2 Exhibit 3, which were your notes from that HIT team
3 meeting on July 7th, 2000.

4 At the bottom of the page here it says, "When
5 they did clean car, ESP trunk."

6 Who were you talking about here? Who is the
7 "they"?

8 A. I don't recall.

9 Q. When you're talking about the trunk, are you
10 talking about the trunk having been cleaned?

11 A. I don't recall.

12 Q. Did you tell someone that the trunk had been
13 cleaned?

14 A. I don't recall.

15 Q. So this -- the meeting -- the 7th is the day
16 after I did the Mustang, correct?

17 A. That's correct.

18 Q. And I can show you the date of your report.

19 A. It's okay. The 6th was the date of my report
20 so -- okay, so then next day there was a meeting of the
21 HIT team. I -- I -- what was your question again?

22 Q. Sure. I'd asked whether you told someone that
23 the trunk had been cleaned.

24 A. Yes.

25 Q. Who did you tell?

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1 A. I think I called Dave Hall, because I thought
2 that was important.

3 Q. When you use the word "cleaned" there, what are
4 you -- what are you trying to convey?

5 A. That there were no items in the trunk of the
6 car.

7 Q. So are you saying that that had been wiped
8 clean, like we were talking about before?

9 A. No.

10 Q. Are you saying that it had been sterilized?

11 A. No.

12 Q. Are you saying that it was empty?

13 A. Yes.

14 Q. How many times have you opened the trunk of a
15 vehicle with a confirmed fuel leak from a trunk-mounted
16 fuel tank?

17 A. I have no idea.

18 Q. Have you ever encountered that situation before?

19 A. I've encountered some pretty old cars that were
20 of questionable -- yeah. They might have had leaky
21 trunks, but no, probably not many, if any.

22 Q. I'll show you what I have marked as Exhibit 9.

23 (Exhibit No. 9 marked for identification.)

24 Q. This is after affidavit for a search warrant.

25 If I scroll down, you can see Dave Hall is writing this

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1 A. Well, okay. Please ask the question again,
2 because you -- I don't know if I had an expectation of
3 there -- of those tools being in the trunk. They
4 were -- the fact that there was nothing in the trunk is
5 what was kind of unusual.

6 Q. And we talked about the gas leak. So how did
7 that gas leak factor into your thinking?

8 A. I called -- I was told later that perhaps things
9 been taken out of the trunk so that they could repair
10 the gas leak. That's something I heard somewhere along
11 the line later. I can't even tell you when.

12 Q. Was that something that you heard -- sorry. Who
13 did you hear that from?

14 A. I don't recall.

15 Q. You said you could not tell me when you heard
16 that. Was that before the trial or after the trial?

17 A. It was before the trial.

18 Q. Did you make a notation of that anywhere?

19 A. No.

20 Q. Did you report that information to anyone?

21 A. No. It was reported to me.

22 Q. And I'm asking, did you, I guess, re-report that
23 information to anyone?

24 A. Not in a written report. I can't remember if I
25 talked to anybody else about it or not.

1 Q. Do you have a memory of talking to someone else
2 about it?

3 A. Yes.

4 Q. What was that memory?

5 A. I was talking, I think, on the phone to somebody
6 and I said, well, where are the items from the trunk?
7 And they said -- or why, and they said, oh, the
8 trunk -- they knew -- they talked to witnesses or
9 something and they said, oh, well, the trunk was
10 cleaned out because they needed to fix the gas leak.
11 But that was after I did the search. It was around
12 that time, sometime in the next day or two, maybe at
13 one of the meetings, but I can't recall specifically
14 who I talked to or even when. But it was within a
15 couple of days of when I did the Mustang, because then
16 it was kind of like, okay, that's resolved. We're
17 done.

18 Q. With that new information, did you go back and
19 amend your report?

20 A. No.

21 Q. Is that something that the OSP protocol would
22 have required an amendment for?

23 A. No.

24 Q. Why is that?

25 A. It wasn't my information.

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1 Q. What do you mean it wasn't your information?

2 A. I did not do that investigation. I report what
3 I see, what I hear, not what people tell me.

4 Q. And in your report, you reported that the trunk
5 compartment was empty and there was no spare tire or
6 trunk liner. Then we saw the search warrant affidavit
7 where Detective Hall then reports again on that
8 information.

9 Did you consider going back to inform Detective
10 Hall that you had resolved that?

11 A. No.

12 Q. Why not?

13 A. That wouldn't have been my job.

14 Q. I'm going to show you what I have marked as
15 Exhibit 10.

16 (Exhibit No. 10 marked for identification.)

17 Q. I'll blow this up because I recognize that the
18 writing is very small. This a conversation log that we
19 received from the Oregon State Police crime lab. Here
20 on this first entry, it's dated February 1st, 2010.
21 There was a contact from Paul Frasier to -- I think the
22 name here says Putnam, I believe that's Brad Putnam, by
23 phone. Brad Putnam writes here in this section --

24 A. Hang on just a second. Can we get rid of this
25 tab right there so I can read what she's showing?

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1 other documentation.

2 A. No, not that I recall.

3 Q. Did you do anything to determine the path of the
4 blood?

5 A. No.

6 Q. Did you tell anyone about your observation or
7 your opinion on the velocity of this blood?

8 MR. DAVIS: Objections, assumes facts;
9 mischaracterizes.

10 Go ahead.

11 A. I have the report, and that is what they get to
12 see, and they can look at the lab notes, so Lieutenant
13 Pex knew about it.

14 Q. Did you tell Lieutenant Pex about it?

15 A. Yes.

16 Q. When did you tell him?

17 A. I don't recall. He would've been in the lab and
18 we would've talked about the case.

19 Q. Do you have a memory of talking about this issue
20 of high-velocity blood?

21 A. Not specifically.

22 Q. Did you talk to Ms. Karcher about it?

23 A. I can't recall.

24 Q. Who performed the technical review on your
25 conclusion that it was high-velocity blood?

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1 MR. DAVIS: Objections, mischaracterized
2 the testimony and document.

3 Q. You can answer, Ms. Wilcox.

4 A. I'm not sure what you're saying. Who did the
5 technical -- my -- Lieutenant Pex would've reviewed my
6 report and my worksheets. And, at this point, it
7 wasn't a conclusion. It was a description.

8 Q. At what point did it become a conclusion?

9 A. I always used it as a description. It just is
10 what it is.

11 Q. Can you explain that further. What do you mean
12 by it is --

13 A. It is very small, so you don't get a blood
14 droplet that small if it doesn't have some force behind
15 it. So that would make it either a high or
16 medium-velocity blood droplet. It wasn't -- and
17 Lieutenant Pex was an expert in blood spatter patterns.
18 I think he actually had awards for that from the
19 American Academy of Forensic Science. So he would've
20 looked at that and been interested in that.

21 Q. Do you recall whether Lieutenant Pex looked at
22 that and was interested in that?

23 A. He would've looked at my worksheets and we
24 would've talked about it.

25 Q. Did you actually talk about it?

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1 A. I can't recall specifically.

2 Q. And I see here that it says, "High velocity" on
3 Exhibit 15, page 4 that we're looking at, and you've
4 characterized that as a description. Then if we go
5 to -- let me bring up another document for you. If we
6 go back to Exhibit 9, which was Dave Hall's affidavit
7 for the search warrant, and we go to page 5 of that
8 document, we see here Dave Hall is talking about
9 contact from you on July 17th, 2000.

10 About halfway down that paragraph he writes,
11 "She had tested part of the blood and determined that
12 it was, in fact, human blood; that based upon the size
13 and outlines of the droplets, that the blood droplets
14 appeared to be blood spatter, and that it appears to be
15 consistent with what is known as medium to
16 high-velocity blood spatter."

17 And this is on that same day, July 17th, 2000.
18 So in the sketch it was written as high velocity, and
19 then it sounds like you had a conversation with
20 Detective Hall and described as medium to high
21 velocity, is that right?

22 MR. DAVIS: Objection, calls for
23 speculation.

24 A. I don't recall.

25 Q. Why had it changed from high velocity in your

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1 sketch to medium to high velocity?

2 MR. DAVIS: Objection, calls for
3 speculation.

4 Q. You can answer, Ms. Wilcox?

5 A. Oh, sorry. I remember that high was in
6 hashtags, so I was describing it, as I initially worked
7 on it, as being very small. You can get small droplets
8 like that from medium blood spatter. You usually would
9 have a larger sample, so you would have a variety of
10 broad droplets, a larger sampling giving you a little
11 more idea of, you know, if it was the edge of a gunshot
12 or thing else.

13 So I'm covering my bases. It was very small. I
14 don't know, and probably somebody has by now, if
15 they've ever done a -- if they've measured the velocity
16 of each droplet that comes from a blood spatter
17 experiment to know exact size and exact distance from
18 whatever it was. But in my worksheet, I'm doing a
19 description for myself, and of course for whatever
20 other technician looks at it. And I did put that in
21 hashtags because I hadn't really made a conclusion
22 about what kind of blood spatter it was.

23 Q. When you're talking to Dave Hall, at that point
24 did you make a conclusion as to what kind of blood
25 spatter it was?

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1 A. I don't recall.

2 Q. Dave Hall writes down that he understood that it
3 appears to be consistent with what is known as medium
4 to high-velocity blood spatter.

5 Did you tell Dave Hall that that was just your
6 observation and not a conclusion?

7 MR. DAVIS: Objection; asked and answered.

8 A. Yeah, I don't recall that conversation.

9 Q. Here he write, "Ms. Wilcox has explained to me
10 that medium to high-velocity blood spatter occurs when
11 an object such as a club or a bullet moving at a fast
12 speed strikes an object which contains blood, such as a
13 part of a human body, with such force that a wound is
14 opened, thus causing blood to spatter."

15 Did you tell him anything else about the sources
16 of the droplet at the area of swab 2?

17 A. I don't recall.

18 Q. Did you talk to any other law enforcement
19 personnel or investigators at any point in time before
20 trial about the idea of medium to high-velocity blood
21 on the shoe?

22 A. I don't recall any specific conversations like
23 that.

24 Q. Did you talk to the prosecutors about that idea?

25 A. I don't remember.

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1 Q. When we started this deposition, you mentioned
2 that you had reviewed some areas of your testimony from
3 the trial. Did you review your testimony about the
4 medium to high -- sorry.

5 Did you review your trial testimony about the
6 medium to high-velocity blood on the bottom of the
7 shoe?

8 A. Yes.

9 Q. What was the basis for that testimony? Was it a
10 conclusion at that point or still an observation?

11 A. I'm pretty -- I can't remember the testimony
12 word for word. It was a description of the blood.

13 Q. And you and I have -- I guess we should define
14 this. What's the difference, in your mind, between a
15 description of the blood versus a conclusion?

16 A. A conclusion would be if I could duplicate it
17 and, you know, go out, put a shoe down, that -- a shoe
18 like that and duplicate that, and I wasn't sure I could
19 do that.

20 And, also, there just wasn't a lot of droplets
21 there. It was hard to reach a really firm conclusion
22 with such a small sample.

23 Q. So the first thing you said there was you
24 weren't sure how you could duplicate it.

25 A. Yes.

1 Q. Does that go back to our earlier conversation
2 about the trainings that you did on blood stain pattern
3 analysis where you were doing experimentation to create
4 those blood droplets?

5 A. Yes.

6 Q. And you weren't sure how you could do that with
7 respect to the -- what you saw on the shoe?

8 A. Yes.

9 Q. Did you document that idea anywhere, that you
10 weren't sure how you would duplicate this?

11 A. No.

12 Q. And did you tell anyone about that, that you
13 weren't sure how to duplicate this?

14 A. I don't recall.

15 Q. And then that second idea that it's hard to
16 reach a firm conclusion when you have a such a small
17 sample, are we talking about a small amount of blood?

18 A. So -- yes, and so few droplets.

19 Q. So does that get to this idea of you need a
20 pattern?

21 A. Yes.

22 Q. Did you document that idea, that it was hard to
23 reach a firm conclusion with such a small amount of
24 blood? Did you document that anywhere?

25 A. No.

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1 Q. Did you tell anyone about that?

2 A. I don't recall a specific conversation. I'm
3 sure we talked about it in the lab.

4 MR. DAVIS: Counsel, I'd like to take a
5 break when it's convenience.

6 MS. PURACAL: Sure.

7 Q. I just have a couple more questions about your
8 testimony at trial, Ms. Wilcox.

9 When you testified at trial, you testified that
10 it could also be caused by getting smacked in the nose
11 and then smacked again.

12 How could this small droplet be caused by
13 getting smacked in the nose?

14 A. It -- I was trying to make the point, I think,
15 that if you're already bleeding and then you put force
16 behind a bloody object, you can get some of these
17 little small cast-off blood droplets.

18 Q. And you also testified at trial that it could be
19 caused by having a split lip and then coughing or
20 sneezing. So how could it be caused by that?

21 A. If something is already bleeding and you have
22 blood, and then put -- once again, put force behind it
23 as opposed to, you know, if you cut you finger and hold
24 it up and just let the blood drop, it's going to be a
25 pretty good-sized droplet. Depending on you surface,

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1 it could be dime-sized, and we didn't have that here.

2 Q. What was the evidence that you had that the
3 droplet at the area of swab 2 came from Ms. Freeman's
4 nose or lip?

5 MR. DAVIS: Objection; mischaracterizes the
6 testimony.

7 Q. You can answer, Ms. Wilcox.

8 A. I had no idea where the blood came from. I was
9 asked a question. I didn't make a conclusion.

10 Q. How do you account for directionality to
11 determine that the blood could come from Ms. Freeman's
12 nose or lip and end up on the bottom of her shoe?

13 MR. DAVIS: Objection; mischaracterization.

14 A. I did not.

15 Q. You did not make that determination?

16 A. Correct.

17 Q. Did you talk to any of the investigators prior
18 to trial about the difference between a description of
19 the blood and a conclusion?

20 MR. DAVIS: Objection; asked and answered.

21 Q. You can answer, Ms. Wilcox.

22 A. I don't remember any specific conversations.

23 MS. PURACAL: I think we can take a break
24 now. We'll go off the record for ten minutes and come
25 back at 2:30.

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1 C E R T I F I C A T E

2 STATE OF OREGON)
3) ss.
4 COUNTY OF MULTNOMAH)

5

6 I, Amanda K. Fisher, a Certified Shorthand
7 Reporter, do hereby certify that, pursuant to
8 stipulation of counsel for the respective parties
9 hereinbefore set forth, KATHY WILCOX remotely appeared
10 before me at the time and place set forth in the
11 caption hereof; that at said time and place I reported
12 in Stenotype all testimony adduced and other oral
13 proceedings had in the foregoing matter; that
14 thereafter my notes were reduced to typewriting under
15 my direction; and that the foregoing transcript, pages
16 1 to 187, both inclusive, constitutes a full, true and
17 accurate record of all such testimony adduced and oral
18 proceedings had, and of the whole thereof.

19 Witness my hand and stamp at Portland, Oregon,
20 May 16, 2022.

21
22
23 AMANDA K. FISHER
CSR No. 3229
24
25



Stumptown Steno
503.888.1416

CASE NAME: McGuffin et al v. Dannels et al

DEPONENT: Kathy Wilcox

I hereby certify that I have read the deposition taken on May 03, 2022, and that this deposition, together with any corrections or additions, is a true and accurate record of my testimony.


Kathy Wilcox

Subscribed and sworn to before me under the penalties of perjury, this 14 day of June, 2022

Brande Cassano

Notary Public for the State of Oregon.
My commission expires: June 8th 2024.

